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[Roll No. 61]

Anderson, Ill.	Findley	McKay
Andrews, N.C.	Fisher	McKinney
Archer	Flood	Marks
Ashbrook	Foley	Mathis
Ashley	Frenzel	Mavroules
Beard, Tenn.	Garcia	Michel
Brooks	Gaydos	Mikva
Burton, John	Glaimo	Pepper
Burton, Phillip	Gibbons	Runnels
Carter	Goodling	Satterfield
Clay	Guarini	Scheuer
Conable	Hance	Staggers
Conyers	Hawkins	Stark
D'Amours	Hopkins	Stewart
de la Garza	Huckaby	Ullman
Diags	Ireland	Vander Jagt
Dingell	Jones, Okla.	Vanik
Dixon	Lederer	Weaver
Drinan	McCloskey	Young, Fla.
Edgar	McDonald	
Evans, Del.	McEwen	

□ 1540

The SPEAKER pro tempore (Mr. CHARLES H. WILSON of California). On this rollcall 371 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

CONFERENCE REPORT ON H.R. 2479, TAIWAN RELATIONS ACT

Mr. ZABLOCKI. Mr. Speaker, I call up the conference report on the bill (H.R. 2479) to help maintain peace, security, and stability in the Western Pacific and to promote continued extensive, close, and friendly relations between the people of the United States and the people on Taiwan, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

(For conference report and statement, see proceedings of the House of March 24, 1979.)

The SPEAKER pro tempore. Under the rule, clause 2(c), rule XXVIII, the reading is not required, and the unanimous-consent request is not necessary.

The gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ZABLOCKI asked and was given permission to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, the conference report before us today on H.R. 2479, the Taiwan Relations Act, is similar in all fundamental respects to the bill as it passed the House March 13.

As Members will recall, the basic purpose of the legislation which we approved, by a vote of 345 to 55, is to establish a peace and security framework for our interests in the Western Pacific and for Taiwan and to continue our commercial and other relations with Taiwan following the President's action in switching official diplomatic recognition from the Taiwan Government to Peking.

When we went into conference with the Senate, we found that the principal objectives of their bill were rather similar to ours. While there were a number

of secondary differences, the conferees were able to reconcile them in two meetings over a 24-hour period. We believe we have combined the best features of both bills. We think the resulting legislation is just as strong as the measure which the House passed, and in some respects, better. Therefore, we once again urge its passage by an overwhelming margin.

The principal features of the conference report and the resolution of differences with the Senate may be outlined as follows:

The Senate bill did not include in its title the Taiwan security objective of the legislation. The House bill listed this purpose at the start of its title. The conferees agreed to do this, and we followed this in the title with some phrases from the Senate title. Likewise, for a short title, we use the House term "Relations" rather than "Enabling" which was in the Senate bill.

The first part of the conference report, as in the House bill, sets forth U.S. policy with regard to peace and security in the Western Pacific. The wording in essence is a melding of the provisions of the House and Senate bills which were quite similar in both bills. Members will note that any use of force against Taiwan will, under the conference report, be "of grave concern to the United States." It will be our policy to provide Taiwan with defense arms. Also, we retained in essence the House provision in behalf of the human rights of the 18 million people on Taiwan.

For implementation of the policy statement the conference report provides that we shall make available to Taiwan such arms as are needed for her self-defense. The President and the Congress will determine what these arms shall be, judging this solely according to Taiwan's needs. The determination will be reviewed by U.S. military authorities. The President is to inform Congress promptly of any threat to Taiwan's security and any danger to U.S. interests therefrom. The U.S. response to any such danger is to be determined by the President and the Congress, in accordance with constitutional processes.

The next section of the conference report is the key one for continuing and promoting commercial and other relations with Taiwan on a nongovernmental basis. The conferees agreed in effect to accept the broad provisions of the House bill and to include also the more specific Senate provisions which dealt with narrower questions. Thus, section 4(a) states broadly yet clearly that the laws of the United States shall continue to apply with respect to Taiwan as if derecognition had not taken place. Section 4(b) goes on to cite various specifics, such as applying U.S. legal references to "foreign countries" to include Taiwan, to continue Taiwan's capacity to sue and be sued in U.S. courts, to continue Taiwan's rights and obligations, and so on.

All treaties and other international agreements between the United States and Taiwan are continued in force, including multilateral conventions, except

for the Mutual Defense Treaty. We accepted a Senate provision which also makes clear that nothing in this Act may be construed as supporting expulsion of Taiwan from any international organization.

Providing for continued Taiwan ownership of the Embassy property here in Washington was not an issue; it was in both bills and is in the conference report. Also, we had no difficulty agreeing on a compromise reflecting the intent of both Houses, which requests the President to extend to Taiwan's new instrumentality here the same number of offices and personnel as previously operated in the United States before the breakoff in diplomatic relations. Likewise, we have agreed on language providing for privileges and immunities for the Taiwan instrumentality personnel here, on a reciprocal basis.

The conference report also includes a provision, taken from the Senate bill, which waives the Overseas Private Investment Corporation (OPIC) \$1,000 per capita limitation with regard to investments on Taiwan. The provision is designed to stimulate confidence in business investments in Taiwan. However, we placed a 3-year limit on the waiver to avoid Taiwan's receiving this special status indefinitely in view of the prosperity of her economy.

On providing for a new U.S. nongovernmental entity to succeed the American Embassy on Taiwan, the conference report provides both for "The American Institute on Taiwan" as designated in the Senate bill, and for a Presidential option to designate some other nongovernmental entity, which was in the House bill. As a factual matter, the United States and Taiwan have already reached an agreement on establishing these entities, with the U.S. instrumentality being named "the American Institute on Taiwan" and that of Taiwan's being called the "Coordination Council for North American Affairs."

On definitions of terms in the legislation, the conference report adopts the House approach in defining "Taiwan," rather than focusing on "People on Taiwan," which was the Senate approach.

Finally, we agreed to the Senate provision for funding to carry out this act in fiscal 1980 and to the House provision for congressional oversight, with an amendment to include "other appropriate committee" as well as the Foreign Affairs and Foreign Relations Committees in monitoring the provisions under this act.

In sum, Mr. Speaker, I believe the conference report to be a strong bill which is eminently satisfactory from the standpoint of the House.

It is, of course, an absolutely necessary bill from the standpoint of the interests of the United States. It reflects our strong desire for Taiwan's continued security and for continuing, without interruption, our commercial, cultural, and other nondiplomatic relations with Taiwan.

The conference report is needed to achieve these objectives. I urge its overwhelming approval by the House.

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Mr. BAUMAN. Mr. Speaker, will the gentleman yield for a question?

Mr. ZABLOCKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Speaker, some of us have a strong feeling that they do not wish to be a party to any legislation that terminates our diplomatic recognition of the Republic of China on Taiwan. For that reason I intend to vote against this. I understand that this is the best-we-can-get syndrome that is presented in the gentleman's argument. But I do have some concern about the change in the House provision on appropriations in an amendment that was offered by my colleague, the gentleman from Ohio (Mr. Ashbrook), which required appropriations and authorization for all expenditures of this Institute conducting the affairs between these two nations.

I understand the other body authorized a provision dealing with such sums. But is that for only one fiscal year? And what assurances do we have that the appropriate congressional committees in both Houses of Congress will be able to control the fiscal affairs of this Agency in the future? Is it an open-ended authorization?

Mr. ZABLOCKI. Mr. Speaker, I can assure my colleague, the distinguished gentleman from Maryland, that it is not an open-ended authorization. As the gentleman from Maryland knows, the Ashbrook amendment, to which he referred, which was adopted in the House, stated:

No agency of the United States Government may pay or otherwise make available to the designated entity, by contract or otherwise, any funds unless the Congress has expressly authorized and appropriated those funds to be made available to and used by the designated entity.

□ 1550

The conference report, in section 16, adopted the Senate funding provision. This authorizes the appropriation to the Secretary of State for fiscal year 1980 to carry out provisions of this act. The conference report, in effect, includes the main point of the Ashbrook amendment, which was to have a specific authorization. No such authorization was needed for fiscal year 1979. Those funds as the gentleman will recall, and as the gentleman from Wisconsin was advised in committee, have already been appropriated to the State Department for the American Embassy on Taiwan. The State Department has asked the Appropriations Committee for a reprogramming so the moneys can be used for the American Institute in Taiwan, so this satisfies the need in 1979.

For fiscal year 1980 and thereafter we anticipate, as indicated in the Statement of the Managers, that the funding will, as usual, be through the annual funding process for the State Department and that both authorizing and appropriating committees will be able to maintain full control over this funding as before.

Mr. BAUMAN. So that each year the State Department in its authorization and appropriation bill must come before

the appropriate committee to justify the spending and explain what they have done about it before.

Mr. ZABLOCKI. That is correct.

Mr. BAUMAN. Could the gentleman answer one last question? That is, what is the attitude of the Communist Chinese Government toward this legislation?

Mr. ZABLOCKI. Mr. Speaker, I am very pleased to advise the gentleman that the People's Republic of China is furious, is very unhappy, and I think this could be very convincing to the gentleman from Maryland if he had any concerns about the legislation that we had passed. I would hope that he would now support it, because it is displeasing to the Communist government.

Mr. BAUMAN. Have they indicated they would break relations with the United States over this legislation?

Mr. ZABLOCKI. I am in no position to advise the gentleman from Maryland as to what is the thinking of the Communist in any country, and especially the Communist government in Peking. I do not believe they would do that.

Mr. BAUMAN. Mr. Chairman, it has not met my test, I would say to the gentleman.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I will be glad to yield to the gentleman from New York.

Mr. WOLFF. I think it should be understood, however, that the bill that was finally arrived at is consistent with the negotiations conducted by the President; and it does not embody any government-to-government relations. Now, the point that the People's Republic of China objected to was the question of the security provisions; however, those security provisions would not have been necessary had the People's Republic of China renounced the use of force to accomplish their political aims.

Mr. ZABLOCKI. Mr. Speaker, it is not too often that I include in my remarks a quote from the Washington Post, but I intend to ask unanimous consent to include in my remarks the editorial of the Washington Post of March 27, entitled, "Peking Political Education." The editorial says in part:

The People's Republic of China has now pronounced unacceptable the legislation in which the Congress sought to strengthen, beyond the administration's measure, the formal assurances the United States is offering Taiwan.

A bit further, it says:

Although Peking is upset it does not appear to be so upset that it will react rashly, least of all, say, by denormalizing.

I think we have served through our committee, and the Congress, a lesson to the PRC that the Congress is a very important body, and that our Government is a government of the executive, the legislative, and the judiciary: It is a lesson that I hope they will keep in mind. (The full text of editorial follows:)

[From the Washington Post, Mar. 27, 1979]

PEKING'S POLITICAL EDUCATION

The People's Republic of China has now pronounced "unacceptable" the legislation in which the Congress sought to strengthen, beyond the administration's measure, the

formal assurances the United States is offering Taiwan. Most of the congressional increments were a good idea; and it's not such a bad idea, either, that Peking has been afforded this occasion to deepen its political education.

The increments do not alter the basic framework of normalization, and this is to the good. But by tone as much as by word, they make explicit a certain caution about China's ultimate intentions and a considerable degree of sympathy for Taiwan. In other words, they make explicit what we take to be the feelings of most Americans. It must have come as something of a shock to the Chinese to discover that the arrangements they had laboriously worked out with the executive branch were tampered with by the legislature. Welcome to America. "Normalization" means not merely regularizing official relations but opening up those relations to the normal buffeting of the American political process.

Although Peking is upset, it does not appear to be so upset that it will react rashly, least of all, say, by "denormalizing." Only a handful of those congressmen who supported the new language could have wished to provoke that result. American diplomats are working overtime to limit the damage. But we think it can only strengthen Chinese-American relations for the long run for the two countries to learn that their political systems, and not alone their diplomatic establishments, must meet and interact.

The Chinese are not shy about defining their own national interest. Americans should be no less forthcoming. This is by way of saying that Peking should consider the effect its invasion of Vietnam had on congressional consideration of the Taiwan legislation. The spectacle of China disregarding American urgings and sending troops across a border into a neighboring country surely helped spur Congress to strengthen the assurances being offered Taiwan. We would even go a step further and suggest that that spectacle served as a useful brake on any incipient American tendency to regard normalization as a wholly unmixed blessing for the United States in its continuing attempt to "contain" Soviet power. Normalization is desirable, we believe, but, like any other political act, it carries limits and risks. It is better that Americans proceed with a knowledge of what the risks are.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield further?

Mr. ZABLOCKI. I am delighted to yield.

Mr. BAUMAN. Based on the knowledge I have gleaned recently about the numbers and quality of the Members who will be visiting Red China during the Easter recess, I am sure the Red Chinese will have a firsthand chance to learn about the quality of almost every Member of the House of Representatives before the year is out.

□ 1555

Mr. ZABLOCKI. Mr. Speaker, my only regret is that the gentleman from Maryland (Mr. BAUMAN) is not a member of that expeditionary force because if he were, he could get some idea of the composition of the PRC and of the differences of opinion which we have in this legislative body.

Mr. BAUMAN. Mr. Speaker, if the gentleman will yield further, the gentleman from Maryland has been invited to go as a member of the minority delegation.

Mr. ZABLOCKI. I regret that the gentleman did not take that opportunity.

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Mr. BAUMAN. The gentleman has not made up his mind as yet.

Mr. ZABLOCKI. Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I endorse the comments of my distinguished colleague, Mr. ZABLOCKI, and fully support the conference report to H.R. 2479, the Taiwan Relations Act. The legislation we have before us will better provide for the peace and security of the more than 17 million people on Taiwan. Moreover, the conference report not only contains essential provisions of the previously passed House bill, but also reflects the congressional concerns over many of the deficiencies of the administration's original legislative request—deficiencies which could have been corrected at even an earlier date given more informed congressional consultation by the administration.

The conference report takes several significant steps beyond the administration's original bill. An essential security amendment, which I offered, stating that any economic boycott or embargo to prevent Taiwan from engaging in trade with other nations would be considered a threat to the security of Taiwan—is preserved in the conference report. In particular, the conference agreement on our declaration of policy toward Taiwan preserves several important House amendments including the intent of the Congress to provide Taiwan with arms of a defensive character and to maintain Taiwan's capacity to resist any force or other coercion which would jeopardize the security, or the social or economic system, of Taiwan. Moreover, the preservation and the enhancement of the human rights of the Taiwan people, as provided by a House amendment, are reaffirmed as U.S. objectives in the conference report. Still other provisions of the conference report protect Taiwan's embassy property, Taiwan's position in any international financial institution or organization, as well as the status of nuclear export applications.

As for congressional oversight concerning the Taiwan Relations Act, a conference substitute was adopted. This substitute would allow the House Foreign Affairs Committee, as well as other appropriate committees of the Congress to monitor the provisions of the conference report on H.R. 2479.

I believe that the conferees have developed legislation which is a significant improvement over the administration's original request. I believe that the conference provisions in general and the security provisions in particular are vital to our continuing commitment to the people of Taiwan. I therefore urge my colleagues to favorably consider the conference report to H.R. 2479.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DERWINSKI).

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I rise in support of the conference report. I believe our position has been very accurately and properly stated by the chair-

man and the ranking minority member.

I should add, Mr. Speaker, that, as we know, at this point in the discussion of a conference report it is standard procedure for someone to eulogize the chairman and ranking minority Member and to commend them for heroic jobs in conference vis-a-vis the other body.

Mr. Speaker, I do not think that is necessary in this case. I do not think, given the limited problems, that they were particularly heroic or brilliant. But they were good.

However, I do wish to say that the House committee staff under the leadership of our chief of staff, Dr. Brady, dazzled the staff of the other body. The Members would have been proud of the House staffers as they totally outmaneuvered the Senate staff on every point.

I do commend this measure. I certainly do not approve of the policy and decision announced on the 15th of December, but this measure makes the best of what is a bad situation. Whether one is pleased or displeased with this policy, I commend support of this measure.

Mr. Speaker, on March 24, the House and Senate met in conference to discuss the Senate's amendments to H.R. 2479, the Taiwan Relations Act.

I would like to call attention to one amendment approved in conference that "states that nothing in this act shall contravene U.S. interest in the human rights of Taiwan's approximately 18 million inhabitants." This provision makes clear the intent of Congress that any effort by the People's Republic of China (PRC) to impose restrictions on Taiwan or encroach on its people would constitute a violation of the human rights of the people on Taiwan.

A further decision of the conference committee was that "the President and the Congress are to decide the nature and quantity of (defense) arms and services solely according to their judgment of Taiwan's needs * * *". This provision is meant to insure that Taiwan's defense needs are determined by its authorities and those of the United States without regard to the views of the PRC. Any attempt by the PRC to interfere in this process would be completely contrary to the interests of the United States.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GUYER).

Mr. GUYER. I thank the gentleman for yielding.

Mr. Speaker, I, too, want to commend the work of the conferees on this conference report because, like many others, I had a lot of apprehension and a lot of reservation about what we might do to mend some of the damage. I had questions, for example, about whether or not the PRC would be a successor government. I had questions about bank deposits. I wondered about existing treaties, whether they would be honored, things such as the Treaty of Friendship, Commerce, and Navigation, the Air Transport Services Agreement, Atomic Energy Cooperation for Civil Uses Act, and many others. The thing that astounded me was that when the cavalcade of charm swept through our country, it dawned on us at

dawn's early light that in return for total diplomatic relations we really had not received very much. We still did not have a commitment, a concession, a compromise, a guarantee, or a down payment. But someplace along the line we do want to do something to see that the American image is not tarnished, that our reputation for being a reliable ally is safeguarded, and that these good people do have a sense of security and well being together with our friendship.

I agree that this is probably the very best assurance that we could put together, and while I had very little to do with it, I intend to support that because of the integrity of the people and the final form in which they have brought this to the floor. I think internationally it is good. It is good to help restore our integrity, and I want to commend the chairman and those who worked on the conference committee.

Mr. BROOMFIELD. Mr. Speaker, I reserve the remainder of my time.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. I thank the chairman for yielding.

Mr. Speaker, I rise in support of the conference report where I do feel that it fulfills the responsibility that has been given to us as a Congress in seeing to it that we carry out the provisions of the agreement that were reached by the President and at the same time afford it the protection that we want it to, to the question of the security of Taiwan itself. Therefore, regardless of the position that has been taken by the PRC in indicating that this was creating new avenues, the final report that was made by the conference committee is in complete agreement and in complete accord with the agreement that was reached by the President with the Peoples Republic of China. I ask my colleagues to support this report.

Mr. KELLY. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I will be delighted to yield to the gentleman from Florida.

Mr. KELLY. I thank the gentleman for yielding.

Does not the conference report just quite clearly establish that the Congress joins the administration in recognizing that the Government of Taiwan is the Communist government in Peking?

Mr. WOLFF. No, it does not.

Mr. KELLY. Then why do we not recognize the government on Taiwan as it exists?

Mr. WOLFF. Because we have recognized the government of Peking and de-recognized the Government of Taiwan, and that has absolutely no relationship to the fact that we recognize Peking's authority over Taiwan.

□ 1605

Mr. KELLY. Mr. Speaker, will the gentleman yield further?

Mr. WOLFF. Yes, I would be delighted to yield.

Mr. KELLY. Is it not the situation that the government, Communist government in Peking has announced as a result of action of the United States

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taken by the administration that they, in fact, are the sovereign government of Taiwan?

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. WOLFF) has expired.

Mr. ZABLOCKI. Mr. Speaker, I yield to the gentleman from New York 1 additional minute.

Mr. WOLFF. Mr. Speaker, this is a position that the Peking Government has taken over the years, but it has absolutely no effect upon the United States.

Mr. BROOMFIELD. Mr. Speaker, I now yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER asked and was given permission to revise and extend his remarks.

Mr. DANNEMEYER. Mr. Speaker, the conference report before us today on continuing relations between the United States and Taiwan while a definite improvement over President Carter's version still leaves much to be desired.

As I have stated previously, the basis for relations with the continuing Government of the Republic of China on Taiwan is the unrealistic notion that this government and country does not exist. Obviously it exists and sensible U.S. policy would be to diplomatically recognize its existence. Nongovernmental relations as this bill deals with is an affront to our own country and to our friends and allies in Taiwan.

The security language in the legislation should be much stronger. In addition, justified concern has been raised about the provision of "defensive" weapons to Taiwan. A proper defense of Taiwan necessitates control of the air and waters of the Taiwan Straits. Unfortunately, before so-called normalization with Peking, the Carter administration has been reluctant to provide such weapons to Taiwan. I seriously question the willingness of the Carter administration after recognition of Peking and derecognition of Taiwan to sell the necessary weapons to provide for Taiwan's defense.

As I stated previously, the congressional bill is much better than the President's but it has a number of other smaller difficulties in addition to the ones that I have already discussed. These include the instrument for relations itself, the weakening of language on the number of offices and personnel Taiwan will be allowed to have in the United States, no specific inclusion of the antiboycott law, and the lack of a specific call for diplomatic immunity for Taiwan's representatives.

Once this legislation is passed and signed into law we in the Congress have a serious responsibility to insure that Peking does not attempt to subvert or conquer Taiwan. I will continue to push for a realistic policy toward Taiwan which includes diplomatic recognition.

Mr. ZABLOCKI. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. FOUNTAIN), a member of our committee.

Mr. FOUNTAIN. Mr. Speaker, with some reservations, I rise in support of the conference report on H.R. 2479, the Tai-

wan Relations Act. As a cosponsor of this legislation, I believe the text agreed to by the conferees is probably the most we can reasonably do to redeem our Government in view of the unwise and premature recognition last Member of the People's Republic of China.

As my colleagues know, I opposed then, as I still oppose now, the President's diplomatic recognition of Red China. In the ensuing months, nothing has happened to cause me to change my mind. To the contrary, for instance, I reminded my constituents following Vice Premier Teng Hsiao-ping's visit here that we ought not fall prey or victim to all the happy smiles, warm handshakes, and cordial hospitality which awaited Teng at every stop on his tour. More recent events on the war front in Southeast Asia, including extensive Chinese military involvement, have reinforced my view that we should deal with the Communist leaders of China at arms length whenever and wherever possible rather than deal while locked in fond embrace.

The legislation before us today, however, is primarily directed at continuing to the maximum extent possible the relations and ties which we had for 30 years with our friends and allies on Taiwan—the only free China. While the President, as Chief Executive, made the unilateral, but regrettable, decision to tear up our 1954 treaty with Taiwan, we in the Congress can surely write into statutory law, not subject to reversal by Presidential whim, that good and responsible relations with Taiwan will continue, notwithstanding the President's December action. What we have then in this bill constitutes a full recognition of Taiwan, in effect if not in fact.

H.R. 2479 is necessary for the maintenance of peace, security, and stability in the Western Pacific. It is needed for the continuation, preservation, and promotion of our commercial, cultural, and other relations with Taiwan. The bill declares in no uncertain terms that peace and stability in that part of the world are in the political, security, and economic interests of the United States, and are also matters of international concern.

This legislation underscores our Nation's policy that the administration's decision to establish diplomatic relations with Red China rests upon the expectation that Taiwan's future will be determined through peaceful means. Otherwise, any threat to peace and security in the Western Pacific will be a matter of grave concern to the United States.

The bill mandates that our Government make available to Taiwan such guarantees of defense articles and defense services, including arms of a defensive character, as are necessary to enable Taiwan to maintain a sufficient self-defense capability. This determination will be made jointly by Congress and the President, and will include advice from U.S. military authorities.

The President is directed to inform the Congress promptly of any threat to the security or to the social or economic system of Taiwan and of any resulting dangers to our own interests. Any such danger would be dealt with by appropriate action in accordance with law.

It might be well to note at this point, Mr. Speaker, that the section of the bill regarding Presidential notification of Congress is not a vague, nonbinding "sense of the Congress" provision. Instead, it directs the President in straightforward terms to keep Congress completely informed and to make Congress an equal partner in dealing with threats to Taiwan. We should remember that it was the President's failure to consult with Congress prior to his December announcement, as requested in last year's foreign aid bill, that fueled much of the continuing protest here on Capitol Hill.

This legislation also provides that our laws will continue to apply with full force to Taiwan, even in the absence of formal diplomatic relations. For those purposes, Taiwan shall remain a foreign country, nation, state, government, or similar entity—whatever the particular law in question dictates. Taiwan's rights and obligations under our laws shall not be abrogated, infringed, modified, denied, or otherwise affected by the absence of diplomatic relations and recognition.

In addition, the conference bill continues in force all United States-Taiwan treaties, international agreements, and multilateral conventions existing on the date of derecognition, unless and until terminated in accordance with law.

This legislation provides for a Federal-State-local tax exempt, nonprofit corporation, the American Institute in Taiwan, to conduct and carry out programs, transactions, and other relations with respect to Taiwan. The bill contains provisions for furnishing of property and services to and obtaining services from the Institute.

Mr. Speaker, behind the chairman, the gentleman from Texas, Mr. Brooks, as ranking majority member of the House Government Operations Committee, I can attest unequivocally to the essential nature of congressional oversight of actions taken by the executive branch. As a result, I am pleased that this bill provides that the House Foreign Affairs Committee, the Senate Foreign Relations Committee, and other appropriate committees of Congress, shall monitor the implementation of this act, the institute's operations and procedures, the legal and technical aspects of the continuing relationship between the United States and Taiwan, and the implementation of our Government's policies concerning security and cooperation in East Asia. So long as I remain a Member of Congress and the House Government Operations and Foreign Affairs Committees, I will do my utmost, whatever I can, to see that this oversight is conducted vigorously.

Let me add a final and more personal note, Mr. Speaker. This legislation, as it originally passed the House, and in final form today, is substantially stronger than what the administration initially proposed. The executive branch says it can live with this bill. I trust that will prove to be the case and that the President signs it willingly and enforces it aggressively. But at the same time, I hope this legislation is seen by the President and his advisers as a forthright and compelling response by the Congress to his

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ill-advised, single-handed recognition of Red China without first arriving at an equitable solution to questions surrounding the future of Taiwan and without consulting meaningfully ahead of time with the Congress.

Under our Constitution, the President is Chief Executive officer, and speaks and acts in various ways on behalf of our country in international affairs. However, Congress too has its vital and important constitutional role to play in foreign affairs. Regrettably, that role has too often, under many recent Presidents, been slighted, undermined, or overlooked altogether.

Hopefully, the Taiwan Relations Act will serve notice on this and future administrations, and encourage future Congresses, that the national legislature should not sit idly by and allow its prerogatives and place in international policy-making to be undercut or ill-served. This legislation not only helps insure the safe and secure future of Taiwan, but hopefully also aids in establishing concrete legislative precedents for stronger future congressional involvement in foreign affairs. That important message is not set forth word for word in the text of this bill, but I hope it is, and will be seen, and heeded, nevertheless.

Mr. Speaker, I urge my colleagues to join with me in voting to adopt this conference report—as the best possible way left for us to salvage the diplomatic relations we maintained for so many years with the Republic of China, prior to untimely, unwise and premature action by the President last December, when he formally recognized the People's Republic of China, and broke diplomatic relations with the Republic of China.

I might add that this legislation is approved and requested by our friends, the Government of Taiwan, the only free China. Like the Congress under the laws of our land, they really have no other alternative. But again it is a meaningful alternative—much better than I ever anticipated and I am satisfied much better than the Republic of China (Taiwan) ever expected. A vote for this legislation is not, and should not be construed as support for the action taken by the President.

□ 1610

Mr. BROOMFIELD. Mr. Speaker, will the gentleman yield?

Mr. FOUNTAIN. I am glad to yield to my distinguished friend and former co-ambassador to the United Nations.

Mr. BROOMFIELD. Thank you very much.

I wish to associate myself with the very fine remarks made by the gentleman from North Carolina (Mr. FOUNTAIN). I think that Mr. FOUNTAIN has really given a very excellent analysis of this bill. If I draw one conclusion of the work we have done here we have demonstrated our concern for those people who live on the island of Taiwan. I just wish to compliment you on a very fine statement.

Mr. FOUNTAIN. I thank the gentleman for his contribution.

(Mr. FOUNTAIN asked and was given permission to revise and extend his remarks.)

□ 1615

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLY).

(Mr. KELLY asked and was given permission to revise and extend his remarks.)

Mr. KELLY. Mr. Speaker, I urge my colleagues in the House to vote against the conference report.

Taiwan is important to the western Pacific defenses of the United States. The conference report surrenders these defenses.

The platitudes in the conference report are a sham, which attempt to conceal the surrender of Taiwan to the Communists. We, by adopting this conference report, are simply implementing the surrender of Taiwan which was accomplished by the administration. That is all that is being done by this conference report; we are simply implementing what the President has done.

This does not in any way change the proposition that the President has surrendered the sovereignty of Taiwan to the Communist government in Peking. There is no government on Taiwan by the action of adopting this conference report; otherwise we would send an ambassador to our friend of 30 years. We send no ambassador because by this action we recognize no government on Taiwan. There is no government there because we have sold it out to the Communist regime in Peking, and we do that by adopting this conference report.

The supporters will ultimately argue that the Taiwan question is an internal affair of the PRC and thus attempt to deceive the public.

Mr. Speaker, I urge the Members to vote against the conference report.

Mr. BROOMFIELD. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. McCLODY).

(Mr. McCLODY asked and was given permission to revise and extend his remarks.)

Mr. McCLODY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to compliment the conferees on the development of the conference report presented to us today concerning our Nation's continuing relationship with the people of Taiwan.

Mr. Speaker, while I voted against the measure which was passed by this House a few weeks ago, I am reassured by language in the conference report with which the Members of this House and of the other body have agreed. It is my hope and expectation that the cultural, social, and economic relations between the peoples of our two nations may be continued—even extended in the years ahead.

Mr. Speaker, I am also satisfied that the conference report contains assurances that we will help provide defense supplies to our friends in Taiwan—and we are pledging ourselves to support Taiwan if it is subjected to any military or economic attack.

Mr. Speaker, it appears that we have—under very adverse circumstances—provided the maximum of support and friendship in the language of this conference report and I intend to vote for its adoption.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I thank my colleague, the gentleman from Michigan (Mr. BROOMFIELD), for yielding this time to me.

Although I can understand why my good friend, the chairman of the committee, wants to move this along as expeditiously as possible. A sinking feeling must come over the proponents, a little bit like having a bone in your throat or a lump in your heart. It is something you want to forget about quickly and bury it, hoping that all your pious platitudes really have some truthful ring in the future.

It is bad enough to insult a sovereign people—and that is what we are doing—but the Republic of China is a sovereign nation, not an entity, the Taiwanese or the people on Taiwan. I have been on this floor during the entire debate and watched how careful the sponsors of this legislation were not to refer to a "sovereign people" or a "sovereign country" or the Republic of China.

That is a little bit insulting to them, but it is worse to find Members of this Congress, Members of the House of Representatives, afraid to call long-time friends a sovereign nation. It is bad enough that we refer to them as "Taiwanese" or "the people on Taiwan." You who advocate this travesty have been careful not to refer to them as a nation, but how much worse it is when we are doing this to a country that has been a lifelong friend, a friend extending back as far as any of us in this Chamber can go back and remember, and our minds run not to the contrary.

Not so with the people on the mainland, not so with the People's Republic of China. The Communists repressive and inhumane rule makes them no friend. Why carry water for them.

It is also bad enough that the President would usurp the authority of the Congress—and indeed I believe he did, and I hope a lawsuit will prove that—but it is worse that the Congress rolls over and ratifies this action.

How many times have I heard in the last 10 years, particularly during the Vietnam war and after the Tonkin resolution, that the Congress ought to stand up to the President? Maybe we do not stand up to this President, but at any rate this was a good time to do it, and the Congress failed to do so.

It is bad enough that we are accepting this act in the way we are, but it is worse that I keep hearing people say that it is for the Taiwanese, that it is to help them, and that we are for them. I hear time and time again that they have agreed to this shameful play.

That is a little bit like the man who sits down in the electric chair and allows himself to be electrocuted. We might say that because the man sits down in the chair and allows himself to be strapped in, he goes along with it. Of course, that assumes the guards standing there did not make any difference. But the sponsors say the Taiwanese people have accepted this, they want this, they urgently request this, that is why it must be done. Foolishness, sheer foolishness we know what we are doing, whatever you

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might call it or however you might try to rationalize it.

□ 1620

I just want to register that on this day in March 1979, I am one who believes the majority in Congress is going to do an unconscionable thing. They are going to turn their backs on their friends; worse, because it was a demand, a price extorted by an enemy. Yes, I think the Government of the People's Republic of China is an enemy. You can call them friends all you want, but they are the unrepentant murderers of millions of people on their own mainland. They have never repented. The only way they repent is to die. Mao Tse-tung and Chou En-lai never repented. They had to die. I think a lot died today, including the dignity and the word of this country.

Mr. ZABLOCKI. Mr. Speaker, I yield myself 30 seconds, merely to advise my dear friend and colleague, the gentleman from Ohio (Mr. ASHBROOK), for whom I have a high regard and esteem, that I do not have a lump in my throat and I am not swallowing hard or in any way remorseful or concerned about this conference report. Let me advise the gentleman that I have had an opportunity to speak to some of the people who were formerly represented here, who are interested in the Republic of China, and they are pleased with this legislation and with this report, and only the PRC is unhappy with this report. I submit—and I might be in error—that those who are voting in opposition to the report will really be making the PRC happy that they have at least that number of Members who they will interpret are looking out for their interest.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, the sterile record of the CONGRESSIONAL RECORD will not show future generations what I would like to record.

My good friend, the gentleman from Wisconsin (Mr. ZABLOCKI), had to grope, had to pause to find a way to refer to our former friends of the Republic of China, and that in itself shows that there must be some small lump in the throat of my good friend.

Mr. ZABLOCKI. No, I was not groping. I was speaking slowly for emphasis.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 50, answered "present" 5, not voting 38, as follows:

[Roll No. 62]

YEAS—339

Abdnor	Fary	Martin
Addabbo	Fascell	Mathis
Akaka	Fazio	Matsumi
Albosta	Fenwick	Mattox
Alexander	Ferraro	Mavroules
Ambro	Fish	Mazzoli
Anderson, Calif.	Fithian	Mica
Andrews, N.C.	Flippo	Mikulski
Andrews, N. Dak.	Foley	Miller, Calif.
Annuzio	Ford, Mich.	Mineta
Anthony	Ford, Tenn.	Minish
Archer	Fountain	Mitchell, Md.
Ashley	Fowler	Mitchell, N.Y.
Aspin	Frost	Moakley
Atkinson	Fuqua	Moffett
AuCoin	Garcia	Mollohan
Bafalis	Gephardt	Montgomery
Baldus	Gialmo	Moore
Barnard	Gingrich	Moorhead, Pa.
Barnes	Ginn	Mottl
Beard, R.I.	Glickman	Murphy, Ill.
Bedell	Gonzalez	Murphy, N.Y.
Bellenson	Goodling	Murphy, Pa.
Benjamin	Gore	Murtha
Bennett	Gradison	Myers, Ind.
Bereuter	Gramm	Myers, Pa.
Bethune	Grassley	Natcher
Bevill	Gray	Neal
Biaggi	Green	Nedzi
Bingham	Grisham	Nelson
Blanchard	Gudger	Nichols
Boggs	Guyer	Nolan
Boland	Hagedorn	Nowak
Bolling	Hall, Ohio	O'Brien
Boner	Hall, Tex.	Oaker
Bonior	Hamilton	Oberstar
Bonker	Hammer	Obeys
Bouquard	schmidt	Oettinger
Bowen	Hance	Panetta
Brademas	Hanley	Pashayan
Breaux	Harkin	Patten
Brinkley	Harris	Patterson
Brodhead	Harsha	Pease
Broomfield	Heckler	Perkins
Brown, Calif.	Hefner	Peyser
Brown, Ohio	Heftel	Pickle
Buchanan	Hightower	Preyer
Burlison	Hillis	Price
Butler	Hinson	Pritchard
Byron	Holland	Pursell
Campbell	Hollenbeck	Quayle
Carr	Holt	Quillen
Cavanaugh	Holtzman	Rahall
Chappell	Hopkins	Rallsback
Cheney	Horton	Rangel
Chisholm	Howard	Ratchford
Clausen	Hubbard	Regula
Clay	Huckaby	Reuss
Cleveland	Hughes	Rhodes
Clinger	Hutto	Richmond
Cosilio	Hyde	Rinaldo
Coleman	Ichord	Ritter
Collins, Ill.	Ireland	Roberts
Conte	Jacobs	Rodino
Corcoran	Jeffords	Roe
Corman	Jenkins	Rose
Cotter	Jenrette	Rosenthal
Coughlin	Johnson, Calif.	Rostenkowski
Courter	Johnson, Colo.	Roth
D'Amours	Jones, N.C.	Russo
Danielson	Jones, Tenn.	Sabo
Daschle	Kastenmeyer	Santini
Davis, Mich.	Kazen	Sawyer
Davis, S.C.	Kemp	Scheuer
Deckard	Kildee	Schroeder
Derrick	Kogovsek	Schulze
Derwinski	Kostmayer	Sebelius
Dicks	LaFalce	Selberling
Dingell	Leach, Iowa	Sensenbrenner
Dixon	Leland	Shannon
Dodd	Lent	Sharp
Donnelly	Levitas	Shuster
Dougherty	Lloyd	Simon
Downey	Long, La.	Skelton
Drinan	Long, Md.	Slack
Duncan, Oreg.	Lott	Smith, Iowa
Duncan, Tenn.	Lowry	Smith, Nebr.
Early	Lujan	Snowe
Eckhardt	Lukens	Snyder
Edwards, Ala.	Lundine	Solarz
Emery	McClory	Spellman
English	McCormack	Spence
Erdahl	McDade	St Germain
Erlenborn	McEwen	Stack
Ertel	McHugh	Stangeland
Evans, Ga.	McKinney	Stanton
Evans, Ind.	Madigan	Stark
	Maguire	Steed
	Markay	Stockman
	Marks	Stokes

Stratton	Walgren	Winn
Studds	Walker	Wirth
Swift	Wampler	Wolfe, N.Y.
Synar	Waxman	Wolpe, Mich.
Tauke	White	Wright
Taylor	Whitehurst	Wydler
Thomas	Whitley	Wyllie
Thompson	Whittaker	Yates
Traxler	Whitten	Yatron
Treen	Williams, Mont.	Young, Alaska
Udall	Williams, Ohio	Young, Fla.
Van Deerlin	Wilson, Bob	Young, Mo.
Vento	Wilson, C. H.	Zablocki
Volkmer	Wilson, Tex.	Zerferetti

NAYS—50

Applegate	Gilman	Moorhead, Calif.
Ashbrook	Goldwater	Paul
Badham	Hansen	Robinson
Bailey	Jeffries	Rousselot
Bauman	Kelly	Roybal
Burgener	Kramer	Rudd
Carney	Lagomarsino	Satterfield
Collins, Tex.	Latta	Shelby
Crane, Daniel	Leach, La.	Shumway
Crane, Philip	Leath, Tex.	Solomon
Daniel, Dan	Lewis	Stenholm
Daniel, R. W.	Livingston	Stump
Dannemeyer	Loeffler	Symms
Devine	Lungren	Trible
Dickinson	McDonald	Watkins
Dornan	Marriott	Wyatt
Edwards, Okla.	Miller, Ohio	

ANSWERED "PRESENT"—5

Burton, John	Dellums	Weiss
Burton, Phillip	Kindness	

NOT VOTING—38

Anderson, Ill.	Flood	McKay
Beard, Tenn.	Florio	Marlenee
Brooks	Forsythe	Michel
Broyhill	Frenzel	Mikva
Carter	Gaydos	Pepper
Conable	Gibbons	Runnels
Conyers	Guarini	Staggers
de la Garza	Hawkins	Stewart
Diggs	Jones, Okla.	Ullman
Edgar	Lederer	Vander Jagt
Evans, Del.	Lee	Vanik
Findley	Lehman	Weaver
Fisher	McCloskey	

□ 1635

The Clerk announced the following pairs:

Mr. Pepper with Mr. Anderson of Illinois.
 Mr. Guarini with Mr. Forsythe.
 Mr. Flood with Mr. Marlenee.
 Mr. Brooks with Mr. Vander Jagt.
 Mr. Gaydos with Mr. Runnels.
 Mr. Hawkins with Mr. Michel.
 Mr. Lederer with Mr. McCloskey.
 Mr. Lehman with Mr. Broyhill.
 Mr. Staggers with Mr. Conable.
 Mr. Florio with Mr. Evans of Delaware.
 Mr. Ullman with Mr. Findley.
 Mr. Vanik with Mr. Beard of Tennessee.
 Mr. Weaver with Mr. Carter.
 Mr. Mikva with Mr. Stewart.
 Mr. de la Garza with Mr. Edgar.
 Mr. Diggs with Mr. Fisher.
 Mr. Conyers with Mr. Lee.
 Mr. McKay with Mr. Jones of Oklahoma.
 Mr. Gibbons with Mr. Frenzel.

Mr. WEISS changed his vote from "yea" to "present."

Mr. DICKINSON changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its Clerks, announced that the Senate had passed with an amendment in which the concurrence